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SENATOR WEHRBEIN: (Laugh) Okay. Thank you. That...if this doesn't...I don't want to confuse your bill at this time, but this is one of the issues that does bother me, and...but on to the custodial procedure then, they would have to tell that we are tape recording this. That's...

SENATOR BRASHEAR: There would have to have been Miranda warnings and compliance with the whole of the law.

SENATOR WEHRBEIN: But then that does lead to another question of mine about can the judge then...still has the discretion whether to suppress, I'm learning court procedures here, does he have the discretion to suppress or not, to allow this taping in there even though, obviously, most of us would think that that would be the voice of authority?

SENATOR BRASHEAR: The issue of suppression is a question of fact for the trier of fact, yes, for the judge.

SENATOR WEHRBEIN: So the judge will still have the opportunity to use that or throw it out.

SENATOR BRASHEAR: Those are the...

SENATOR WEHRBEIN: To allow it.

SENATOR BRASHEAR: ...those are the pretrial procedural issues with which we often deal, yes.

SENATOR WEHRBEIN: Thank you.

SENATOR CUDABACK: Thank you, Senator Wehrbein. Senator Bourne, on the Bruning amendment.

SENATOR BOURNE: Thank you, Mr. President, members. I rise in support of the Brashe...or, excuse me, the Senator Bruning's amendment in that it more reflects the original bill, the original LB 8...LB 497, which says that custodial interrogation and questioning, but including interrogation and questioning about rights, shall be electronically corded...recorded whenever